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December 4, 2015

**VIA ECF and Facsimile**

Magistrate Judge Douglas E. Arpert  
United States District Court  
District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608

Re: Ohio Casualty Ins. Co., et al. v. Wal-Mart Stores, Inc., et al  
3:15-cv-07414 (MAS) (DRA)

Dear Judge Arpert:

We represent Plaintiffs Ohio Casualty Insurance Company and Liberty Insurance Underwriters Inc. (collectively, "Plaintiffs") in the above-captioned action. The purpose of this communication is to inquire as to whether Your Honor wishes the litigants to comply in all respects with the Initial Scheduling Conference Order (Doct 33) in light of a pending motion to remand this action.

This action was commenced in Superior Court for Middlesex County, New Jersey, but the Wal-Mart defendants removed the action to this Court. Plaintiffs and the insurer defendants immediately filed a motion to remand, which motion has been fully briefed as of November 6, 2015 and was returnable on November 16, 2015. A decision has not yet been issued.

Under the circumstances, Plaintiffs are uncertain as to what the parties should do in light of the Initial Scheduling Conference Order directing the parties to meet and confer to develop a joint discovery plan and then meet with Your Honor on January 28, 2016. While Plaintiffs and the insurer defendants are prepared to have such a meet and confer and develop a joint discovery plan, that may not be necessary in the event the Court remands this action to the



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Superior Court for Middlesex County, which has different requirements and procedures.  
Speaking for Plaintiffs and the insurer defendants, we are prepared to go forward if that is what  
Your Honor wishes.

We thank you in advance for any guidance you can provide the parties.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "P. Koepff".

Paul R. Koepff

cc: Honorable Michael A. Shipp (via ECF and facsimile)  
All Counsel of Record (via ECF and E-mail)